

Chapter CXXXIX.

RECESS.

1. Motion for, not privileged. Sections 6663, 6664.
 2. General decisions as to taking. Sections 6665-6668.¹
 3. Committee of Whole takes recess only by permission of House. Sections 6669-6671.
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6663. The motion for a recess is not, under the present rules, privileged as against a demand that business proceed in the regular order.—On August 15, 1890,² the House having completed consideration of a conference report, Mr. William M. Springer, of Illinois, moved that the House take a recess until 8 o'clock p. m.

The Speaker³ ruled that the motion was not in order, and announced as the regular order of business the further consideration of the bill of the Senate (S. 846) for the relief of Nathaniel McKay and the executors of Donald McKay, coming over from the preceding day's session as unfinished business, on the third reading and passage of which the previous question had been ordered and which had been read the third time. The pending question was on the motion of Mr. Springer to commit the bill to the Committee on War Claims, on which question the yeas and nays had been ordered and on which no quorum had voted.⁴

6664. The motion for a recess is not in order when a question is before the House.—On March 2, 1891,⁵ the House was considering the conference report on the bill (H. N. 10881) relating to copyrights, the question being on agreeing to the report.

Mr. Roger Q. Mills, of Texas, moved that the House take a recess.

The Speaker³ ruled that the motion was not in order.

6665. When the hour previously fixed for a recess arrives, the Chair declares the House in recess, even in the midst of a division (but not of

¹ Recess not taken when the prior legislative day encroaches on the day for which it was ordered. (See. 3192 of Vol. IV.)

² First session Fifty-first Congress, Journal, p. 957; Record, p. 8629.

³ Thomas B. Reed, of Maine, Speaker.

⁴ The privileged character of the motion for a recess was taken away in the revision of 1890 (see sec. 5301 of this volume); it was restored in the Fifty-second and Fifty-third Congresses, and again taken away in the Fifty-fourth and has not been restored.

⁵ Second session Fifty-first Congress, Journal, p. 346.

a roll call) or when a quorum is not present.—On April 23, 1884,¹ the House was considering the naval appropriation bill and was dividing on the motion for the previous question, when Mr. William H. Calkins, of Indiana, made the point of order that the hour of 5 o'clock p. m. having arrived, it was the duty of the Chair to declare the House in recess under the orders of the House of the previous day.

The Speaker² sustained the point of order, and in accordance with the order of the previous day declared the House (at 5 p. m.) to be in recess until 8 p. m.³

6666. On August 1, 1890,⁴ a Friday evening after the recess, the House assembled at 8 p. m.

Mr. J. R. Williams, of Illinois, made the point of order that no quorum was present at the time the recess was taken, and therefore no business was in order except a call of the House or a motion to adjourn.

The Speaker pro tempore⁵ overruled the point of order on the ground that the evening session was held under the rule for the consideration of business therein specified, having no relation to the business under consideration at the time the House took a recess, of which the present occupant of the chair had no official knowledge.

6667. A motion for a recess must, when entertained, be voted on, even though the taking of the vote may have been prevented until after the hour specified for the conclusion of the proposed recess.—On January 9, 1889,⁶ the pending question was the motion of Mr. J. B. Weaver, of Iowa, that the House take a recess until 1.30 p. m. that day. A quorum having failed on the vote on this motion, a call of the House was ordered.

A quorum having been obtained, the Speaker pro tempore announced the pending question to be the motion of the gentleman from Iowa, that the House take a recess.

Mr. Joseph E. Washington, of Tennessee, called attention to the fact that it was now 2 p.m.

The Speaker pro tempore⁷ said:

That is a matter for the House. The motion having been made, must be voted on. The House is dividing on the question.

6668. A question has arisen as to the class of business in order when the Friday evening session, provided for by the rules, has been prolonged to the next day by a recess.—On the calendar day of Friday, February 13, 1885,⁸ the House held an evening session for the consideration of private pension bills. At the end of that evening session the House took a recess until the next day—the calendar day of Saturday.

¹First session Forty-eighth Congress, Journal, p. 1117.

²John G. Carlisle, of Kentucky, Speaker.

³If the roll is being called, however, it is not interrupted.

⁴First session Fifty-first Congress, Journal, p. 915; Record, p. 8035.

⁵Samuel R. Peters, of Kansas, Speaker pro tempore.

⁶Second session Fiftieth Congress, Record, pp. 630, 631; Journal, p. 195.

⁷William H. Hatch, of Missouri, Speaker pro tempore.

⁸Second session Forty-eighth Congress, Record, p. 1669; Journal, pp. 536, 537.

The House having reassembled after the recess, and certain bills coming over from the evening session with the previous question ordered having been disposed of, a question arose as to the order of business.

Mr. Thomas B. Reed, of Maine, made the point of order that, as the session had been held to be a prolongation of Friday evening's session, and as by order of the House only pension bills of a certain class were in order on Friday evening, such bills could only be considered now.

The Speaker pro tempore¹ held:

The Chair holds, as it has held before, that this is a prolongation of the session of Friday evening for the completion of the work that came over under the operation of the previous question, and that under the rule this business can not be dispensed with except by unanimous consent. That work has now been completed, and there is nothing left upon which the previous question was in operation. The Chair overrules the point of order.

6669. The Committee of the Whole may take a recess only by permission of the House.—On February 5, 1857,² the House was in Committee of the Whole House on the state of the Union considering the bill (H. R. 566) “reducing the duty on imports, and for other purposes,” when Mr. Lewis D. Campbell, of Ohio, proposed that by unanimous consent the Committee take a recess until the evening.

The Chairman³ said:

The Chair is of the opinion that the Committee has not the power to take a recess without the consent of the House, otherwise it might continue its session *ad infinitum*.

Thereupon the Committee arose, and the Speaker having taken the chair, the Chairman of the Committee of the Whole, by unanimous consent, offered the following, which was agreed to:

Ordered, That the Committee of the Whole House on the state of the Union have leave to take a recess this evening, provided that no vote be taken after said recess.⁴

6670. On April 27, 1858,⁵ the House agreed to a resolution providing that during the remainder of that week the Committee of the Whole might take a recess until 7 p. m., provided that no vote should be taken at the evening session, except that the Committee rise, and the House adjourn.

6671. On February 26, 1907,⁶ Mr. Charles H. Grosvenor, of Ohio, asked the unanimous consent of the House for an order as to consideration of the so-called ship-subsidy bill (S. 529) which the Speaker stated as follows:

The gentleman from Ohio asks unanimous consent that general debate, under the order, shall continue until 6 o'clock this afternoon and until 6 to-morrow, and at 6 o'clock to-morrow the Committee, by unanimous consent, shall be considered as recessed until 8 o'clock to-morrow evening, and that general debate shall continue in the Committee from 8 o'clock until 11 o'clock to-morrow evening.

The House gave consent.

¹J. C. S. Blackburn, of Kentucky, Speaker pro tempore.

²Third session Thirty-fourth Congress, Journal, p. 367; Globe, p. 589.

³Humphrey Marshall, of Kentucky, Chairman.

⁴In another instance (see Globe, second session Fortieth Congress, pp. 1543, 1558; Journal, p. 407), on February 29, 1868, a Committee of the Whole took a recess. It was during the debate on the articles of impeachment of Andrew Johnson, and the Committee of the Whole was acting under a special order, by the terms of which the Chairman ruled that the Committee could take a recess.

⁵First session Thirty-fifth Congress, Journal, pp. 698, 705; Globe, pp. 1811, 1833.

⁶Second session Fifty-ninth Congress, Record, p. 4033.